

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TOWNSEND et al.

Application No.: 10/594,796

Filed: 9/29/2006

Title: PROSTHETIC FOOT WITH TUNABLE PERFORMANCE

Group AU: 3774

Examiner: Javier G. Blanco

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 24, 2010

Sir:

Restriction was required in the outstanding Office Action between the invention of Group I, claims 1-16, drawn to a method of generating kinetic power for propulsive force in a resilient lower extremity prosthesis, and the invention of Group II, claims 17-30, drawn to a resilient lower extremity prosthesis. The inventions were stated to be distinct, each from the other for the reasons set forth on page 2 of the Office Action. Applicant was require to elect a single invention for further prosecution on the merits in the present application and to identify the claims encompassing the elected invention.

Responsive to this requirement for restriction, Applicants elect for further prosecution on the merits the invention of Group II, claims 17-30, drawn to a resilient lower extremity prosthesis.

It was further stated in the outstanding Office Action that the application contains claims directed to patentably distinct Species for the prosthesis (Species A – Species G), the foot keel (Species A – Species I), the calf shank (Species A – Species E), and the configuration of artificial muscle (Species A – Species I) as

stated on pages 4 and 5 of the Office Action. The Species were alleged to be independent or distinct and Applicant was required to elect a single disclosed Species from each of the four groups of Species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Responsive to the requirement for the election of Species, Applicants elect Species F embodied in FIG. 43 of the prosthesis. Further, Applicants elect Species I embodied in FIG. 50 for the foot keel Species. Concerning the calf shank Species, Applicants elect the Species shown in FIG. 43 of the drawings, which was not specifically enumerated as one of the Species A – Species E in the Office Action, but is properly disclosed in the application. In addition, Applicants elect the Species of FIG. 47C, Species G, of the configuration of artificial muscle. Claims 17-23, 25-28 and 30 are readable on the elected Species.

An early action on the merits is requested.

A Petition for extension of time is filed herewith to permit the timely filing of this letter. Please charge any additional fee due or credit any overpayment to the Deposit Account, Account No. 01-2135 (Docket No. 183.43731AX0).

Respectfully submitted,

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